

## HUMAN SERVICES DEPARTMENT[441]

### Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 217.3(6) and 2016 Iowa Acts, House File 2460, section 12, the Department of Human Services amends Chapter 51, “Eligibility,” and Chapter 52, “Payment,” Iowa Administrative Code.

These amendments implement the January 1, 2017, cost-of-living adjustment (COLA) increases to the income limits and benefit amounts for several State Supplementary Assistance (SSA) categories. These amendments also implement the changed personal needs allowance for residential care facility assistance and family life home assistance. The net change to the personal needs allowance is a decrease due to a small COLA percentage increase that is offset by a decrease in the average monthly Medicaid copays used to calculate the amount of this deduction.

The Council on Human Services adopted these amendments on December 14, 2016.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because these amendments increase payment amounts and income limits under the SSA program in accordance with COLA increases in Supplemental Security Income (SSI) benefits, as required to meet federal pass-along requirements and by the Iowa General Assembly. In addition, according to the recent federal government announcement, the annual SSI COLA increases will become effective January 1, 2017, which will allow time for notice and public comment before the changes become effective.

Pursuant to Iowa Code sections 17A.5(2)“b”(1)(a) and (b), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 1, 2017. These amendments confer a benefit on the public and are in compliance with 2016 Iowa Acts, House File 2460, section 12.

These amendments are also published herein under Notice of Intended Action as **ARC 2890C** to allow for public comment.

These amendments do not provide for waivers in specified situations since the increases are required by federal and state law.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 217.3(6) and 2016 Iowa Acts, House File 2460, section 12.

The Administrative Rules Review Committee reviewed these amendments on December 13, 2016.

These amendments became effective January 1, 2017.

The following amendments are adopted.

ITEM 1. Amend subrule 51.4(1) as follows:

**51.4(1) Income.** Income of a dependent relative shall be less than ~~\$377~~ \$379 per month. When the dependent’s income is from earnings, an exemption of \$65 shall be allowed to cover work expense.

ITEM 2. Amend rule 441—51.7(249) as follows:

**441—51.7(249) Income from providing room and board.** In determining profit from furnishing room and board or providing family life home care, ~~\$377~~ \$379 per month shall be deducted to cover the cost, and the remaining amount treated as earned income.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

ITEM 3. Amend subrule 52.1(1) as follows:

**52.1(1) Protective living arrangement.** The following assistance standards have been established for state supplementary assistance for persons living in a family-life home certified under rules in 441—Chapter 111.

<del>\$792</del> <u>\$797</u>	Care allowance
<del>\$103</del> <u>\$100</u>	Personal allowance
<u>\$895</u> <u>\$897</u>	Total

ITEM 4. Amend subrule 52.1(2) as follows:

**52.1(2) *Dependent relative.*** The following assistance standards have been established for state supplementary assistance for dependent relatives residing in a recipient's home.

<i>a.</i> Aged or disabled client and a dependent relative . . . . .	<del>\$1,110</del> <u>\$1,114</u>
<i>b.</i> Aged or disabled client, eligible spouse, and a dependent relative . . . . .	<del>\$1,477</del> <u>\$1,482</u>
<i>c.</i> Blind client and a dependent relative . . . . .	<del>\$1,132</del> <u>\$1,136</u>
<i>d.</i> Blind client, aged or disabled spouse, and a dependent relative . . . . .	<del>\$1,499</del> <u>\$1,504</u>
<i>e.</i> Blind client, blind spouse, and a dependent relative . . . . .	<del>\$1,521</del> <u>\$1,526</u>

ITEM 5. Amend subrule 52.1(3) as follows:

**52.1(3) *Residential care.*** Payment to a recipient in a residential care facility shall be made on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of ~~\$30.05~~ \$30.11. The department shall establish a cost-related per diem rate for each facility choosing this method of payment according to rule 441—54.3(249).

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

*a.* All income of a recipient as described in this subrule after the disregards described in this subrule shall be applied to meet the cost of care before payment is made through the state supplementary assistance program.

Income applied to meet the cost of care shall be the income considered available to the resident pursuant to supplemental security income (SSI) policy plus the SSI benefit less the following monthly disregards applied in the order specified:

- (1) No change.
  - (2) An allowance of ~~\$103~~ \$100 to meet personal expenses and Medicaid copayment expenses.
  - (3) to (6) No change.
- b.* to *g.* No change.

[Filed Emergency 12/14/16, effective 1/1/17]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/4/17.